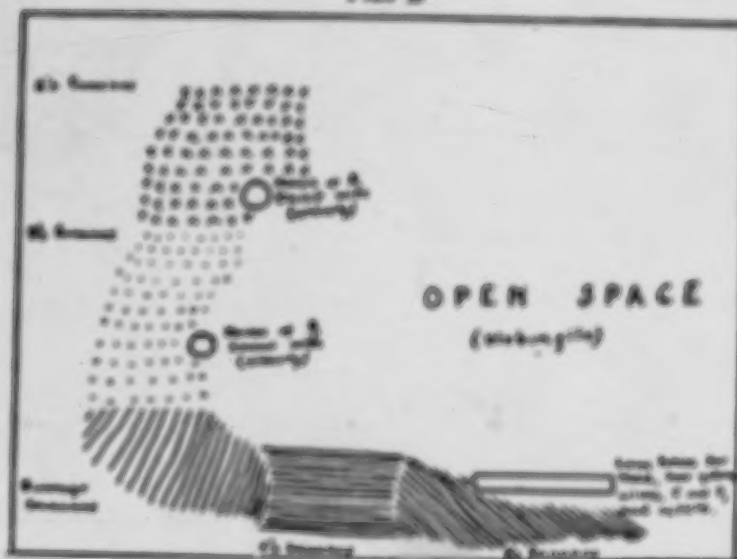


Plan B



The Homestead of a Rich Man

Each married man has at least one house and, if he is a polygamist, he often has several; young wives may sometimes share a house, older wives normally have one apiece. The land immediately surrounding a man's houses belongs to him and his wives and will be referred to in this paper as their "building site" or "homestead" (*shaja*). Each homestead is sufficient in size to hold not only the houses of one man but also his bananas and, maybe, a few small plots of beans, ground-nuts or some other crop as well; and it is there, under the bananas, that coffee trees are planted. But there is no room on it for the main gardens of the household. In the centre of every homestead is an open space (*shabingilo*) carefully weeded and swept by the owner and his wives, who usually take great pride in thus keeping it clean.

At some distance from the homestead—a distance varying from a few yards to two miles or more—lie the main gardens (*imigunda*) of the household, near those of other people. Each year different types of gardens are hoed together by groups of villagers; millet in one place, potatoes in another, maize and beans in another; so that the gardens of one particular household are scattered in different spots.

After the man and his sons have hoed the gardens, clearing the ground first if necessary, his wives are each given portions of their own to plant, weed and reap. In hoeing for any particular crop the land is

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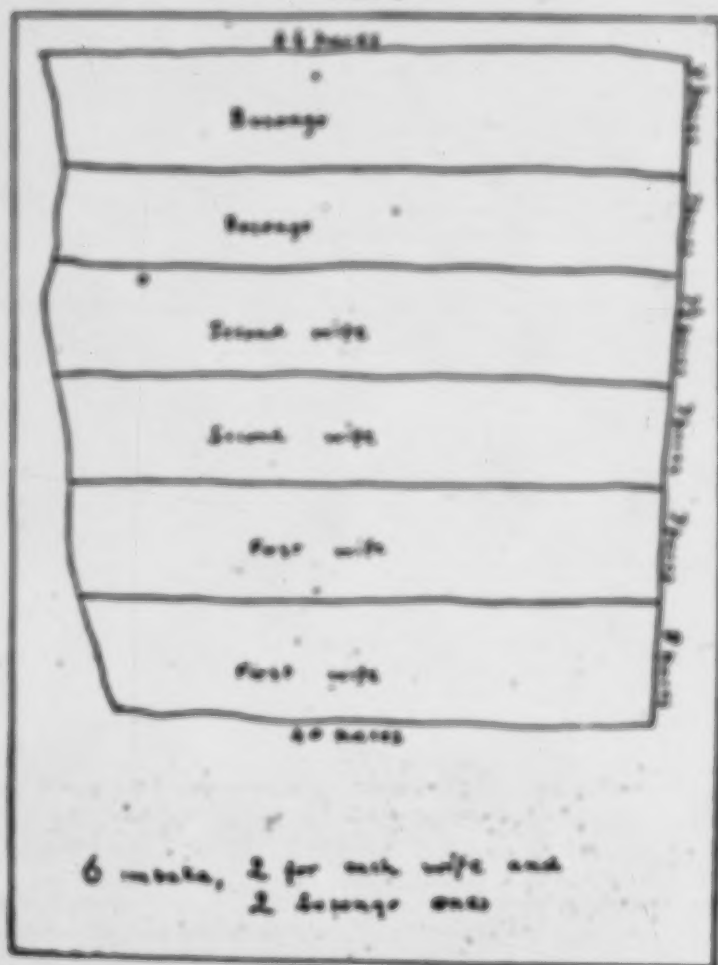
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divided up into separate plots (indaka) all roughly of the same size, and one or two of these plots are assigned to each wife. There is no standard size for a plot (indaka), the only important thing being that there should be equality between the several wives of one man in the areas allotted to them.

The rights of a woman to dispose of the crops of her own gardens (indaka), that is of the plots (indaka) allotted to her by her husband,

Plan C



A Typical Bean Garden

very is different circumstances. Millet and rice, the two most valuable crops, belong to the men and are sown by him; so that the division of a millet or rice garden into plots and their assignment to different wives is rather a division of labour than of property. But of all other crops the woman on whose plot they have grown is an effective owner. She sows them herself in her own house and no other wife of her husband can touch them; it is only with him that her rights are in any way shared.

The main use of the crops which the Nyakyaan grow is to provide food for each separate household group. Next in importance is the provision of food and beer for hospitality, and for the making of gifts which is everyday life and on special ceremonial occasions. And, finally, there is the barter or sale of surplus crops to obtain salt, guns, clothes, cattle and to pay tax. Each married woman, therefore, first uses her own crops to feed her husband, her own children and herself. If she is the only wife then she cooks for her husband every day, but, even if she is one of many, she is yet careful to cook for him frequently, in order to keep his affection and the various advantages which go with it.

When cooking for her husband she must, when necessary, prepare sufficient for guests, for a man very often has friends and neighbours eating with him; and if he wishes to make a gift of cooked food, she cooks it for him from her own store. To provide meals for him and his guests and cooked food for gifts is an obligation which she normally fulfils quite willingly, as we have hinted above; she may be fond of him; it is in any case to her interest to play her part in the co-operative relationship which binds them together and from which both alike benefit. He loans for her and builds her house, he gives her a share of the household milk, which he himself controls, he sleeps with and is gentle to her; he has, without the aid of any legal, moral or conventional sanctions, a great hold over her, as she, on her side, has over him. But, if either fails to play their part in willing co-operation, then there are, for both alike, these other sanctions to fall back upon. A quarrel develops between them and leads to violence, perhaps he strikes her, perhaps she viciously repels him, one night, from her bed; and then the immediately injured party appeals to the neighbours for support. They discuss the matter, censure one or the other, and try to make it up between them; if they fail to do so the case may go to Court and one will then have to pay compensation to the other. Or it may happen, without any violent quarrel, without any formal appeal to the neighbours, that one of them becomes aware that his conduct is provoking their mockery and criticism; and then in shame he mends his ways. Or, finally, one of them may fall sick and suspect that wrong-doing on his part has been followed by spiritual retribution in the form of witchcraft.

A woman, then, uses her stores of food to cook not only for herself

30 INDIVIDUAL EVIDENCE WITHIN THE HOUSEHOLD

A woman, then, uses her share of food *primarily* for herself

421 and her children but also for her husband, and his guests and for gifts; she
525 has, however, every right both to entertain her own women friends to meals
575 and to make gifts of food to her relatives, and she does so when she chooses
without consulting her husband. Co-wives entertain one another if they
are on friendly terms and even sometimes make a habit of taking their
meals together; but this is entirely a matter of personal inclination, it is in
no way necessarily inherent in their relationship; there is no community
of property between them.

421 This sharp division of property between fellow wives is well exempli-
525 fied in the following story from a Kikuyu family. I was discussing with a
young man what happened if, in a polygynous household, the crops of
one wife were a failure. He assured me that no action could possibly be
taken to compel the others to give her a share of their crops, either for
food or for seed; if they did give her a share it was kindness and good-
will alone that would prompt their doing so: "I saw it happen once,"
he continued, "in my own father's house. He had three wives and had
had maize plots for them and divided them up, and each had planted
her own maize. But, when it began to grow, that on one wife's plot was
very poor while that on the others' plots was abundant, and at the harvest
the one wife reaped very little maize indeed. So when the harvest was
all gathered my father asked the other two whether, as they had plenty of
maize, they would not give some of it to their fellow. At first they
refused emphatically to give her any, saying that it had just happened so,
they had reaped plenty and she had reaped little or none, but it was not
their custom to divide up their crops and she, if she had reaped plenty
and they had reaped little or none, would certainly not have given any of
her crop to them. And they asked whether she was his favourite that he
made such a suggestion. Let him, they said, spend a shilling or two on
buying food for her himself. My father entreated them but still they
refused.

"But day after day for a long time he went on entreating and persuad-
ing them, pointing out that she had children to feed and asking if they
wished her to die of hunger; he, he said, was not in any way compelling
them to hand over their food, it was entirely for them to decide whether
they would not each give her a little; if they disliked doing so, well there
was no more to be said. And at last they began to be persuaded, they
discussed it all, the two of them together, and the fact that she had children
to feed, and each gave her a portion of her own crop. And later, when
this maize had all been consumed, they gave her seed also for the next
year's planting."

I then asked if the one whose crop had failed was, in fact, his father's
favourite wife or not. "No, she was not, one of the other two was his

favourite. What they said about her being, perhaps, his favourite was just their way of putting it." 421
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Before passing to the discussion of the disposal of surplus crops we must dwell a little on the importance of a fair division of land between the several wives of a polygynist. Not only garden plots but also the bananas growing on the homestead are divided between them. Each wife is allotted a number of banana stems and is responsible for keeping their roots clear of weeds and she is also expected to weed and occupy the adjacent portion of the open space (*alabigile*). In the evening her husband will often assist her, her fellow-wife will not. The bananas which grow on her own banana stems are her property and not even her husband will cut them without consulting her, save in exceptional circumstances. In every polygynous household, then, a division of garden plots and bananas is made between the wives, and, as it is made by the husband, it is a most important element of their relationships with one another.

For every man with more than one wife has a favourite, and, if he allows his affection for her to express itself in an iniquitous division of land, then there is trouble in store: "Each wife is the owner of a plot (*alabake*) and each harvests and weeds it and keeps the land separately. The wives help each other if friendly but each wife must have her own plot—a maize plot, a bean plot, a cassava plot, a plot of sweet-potatoes, and so on. The bananas also are divided between the wives.

"A polygynist when he hoes his gardens is always afraid to give to any one wife a bigger plot than to another. For it is thought that the wife who gets the smaller plot will whisper complaints of her husband among the people; and whispering complaints of a man brings witches to kill him. It is feared that in such a case, either the husband or else the favoured wife will be killed (by witchcraft). In consequence a man is always exceedingly careful, in dividing his garden into plots, to treat his wives fairly. But even so he will perhaps give to the wife whom he loves the plot with the best soil! And it happens sometimes that a polygynist's wife, when given a smaller plot than her co-wives, will sulk and refuse to plant: 'Why,' she asks, 'do you give me such a small garden plot? Did I not cook for you while you were hoeing?' And, if her husband then loses his temper and strikes her, she will make a case before the neighbours. And they will say to him: 'Friend, you should make a just division, you will only set your wives against one another by not doing so and make them kill one another.' By this they mean that if one wife is angered she will bring the witches to kill her fellow wives!

"And if a woman is restless with her husband and is herself considering leaving him then she will be forever going and complaining to her

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516 mother² is aware that she is in trouble and that her husband has no regard for her, that he grudges her garden plots and gives her only small ones. Then maybe her mother will take the initiative in suggesting that she should leave this man who is no husband and who loves her not. And they will tell their husband, her father, that his child is in trouble and—only think of it!—has actually a ridge³ to call her own. So that if the girl does then find life with her husband intolerable and leaves him, her father will not be too hard on his daughter, he will not compel her to go back to him; for he knows that she was in trouble."

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757 This statement, written by an educated Nyakyusa, brings out very clearly both the fact that men do at times divide their land unfairly and the nature of some of the sanctions which operate against such injustice. The faith in witchcraft provides a moral sanction of which, if the man is fool enough to disregard it, he is very likely explicitly reminded in the course of the subsequent legal proceedings; the injured wife has an immediate hold over him in virtue of the relationship of practical co-operation and emotional intimacy in which they stand to each other, a hold which, if he attempts to break it by recourse to violence, is strengthened and given a legal form by the support of their neighbours. The support of her kin is an alternative legal force⁴ which an injured wife

[291] ¹i.e. her father's wife.

²For many crops the ground is leased from ridges.

³Some readers may be puzzled by and somewhat critical of the meaning with which the concept of law is employed in this paper. This is not the place to meet their criticisms, but, in order to avoid misunderstanding, it is necessary to define that meaning precisely. Law, then, is here distinguished alike from morality with its religious sanctions, from convention with its restraining sense of shame and from the reciprocity dictated by self-interest—with all of which it is in fact inextricably interwoven. Law is here taken to be that normal or customary form of action in society which is kept in being by the inherent sanctions of systematic co-operation among its members. The particular form of law varies in different areas of society in accordance with the particular conditions of each area; but some normal form of action there must be everywhere if social life is to continue; anarchy is, in the strictest sense of the word, impossible. A breach of law is a course of action, on the part of some individual or minority group, which is inconsistent with the normal and accepted form of co-operative action, and which would therefore, if unchecked, make continued relationship between the lawbreaker and the other members of their society wholly impossible; it threatens to dissolve society into anarchy. But breaches of law are always in fact checked, as they must be, by the actions of those with whom the lawbreaker is in positive relation; and it is these actions which are the sanctions of law.

If law is to be preserved it is necessary that the actions which sanction it should have an irresistible force, the lawbreaker must normally be helpless before them; and they are only thus irresistible if the great majority of those people with whom the lawbreaker is effectively related do in fact either participate in or at least approve of them. Now in civilized areas of society, in which vast numbers of people are related, legal sanctions must be applied by a central authority if they are to be effective, for only such a central

may call in against her husband, if she desires divorce. And, it is listed, 42/ ●
this particular form may sometimes be successfully invoked by a 626
plausible woman even without good cause.

In disposing of the surplus of their crops and bananas the respective 42/
rights of a married woman and her husband vary in detail, though little 513
in substance, according as he has or has not made a formal division
between them. It is not infrequent for a man to reserve for his own use
one or two plots and some banana stems, which are then called *banango*
plots or *bananas* (*indaka* or *ifipile* for *banango*). In the planting, weeding
and reaping of the *banango* plots all the man's wives co-operate if he has
several, but the final product is absolutely his own, it is stored by him and
they have no part in it. Conversely, however, the rights of each woman
to dispose of the surplus crop of the plots allotted to her are thereby greatly
increased, for her husband cannot then touch it at all.

In any case, whether or not *banango* plots and bananas have been set
aside, a woman's obligation to provide food for her husband's con-

authority can possibly either act over the whole area or command general
approval and support for its actions.

But in primitive society it is otherwise. In a small and isolated group
largely composed of personal acquaintances it is difficult to escape from one's
friends; while the facts of every dispute, of every breach of law, are soon
widely known; and in consequence, it is then perfectly possible at times
for legal sanctions to be effective without the intervention of any central
authority at all. The neighbour, or the kinsman, or the action of a
lawbreaker are in themselves a large and important portion of his society, and
he can only with difficulty escape their authority; he can not lose himself in a
great city or can his civilised counterpart. And as the typical method of
legal procedure in a primitive society is for action to be taken against a law-
breaker by those more nearly concerned, supported by general public
approval. And it frequently happens that the only effective action is taken
singlehandedly by the injured party; nevertheless if that action is supported
and strengthened by any generally expressed approval we can not deny that
it possesses a legal form.

In a primitive group any request which an individual may make to his
kinsmen or neighbours for practical assistance against a lawbreaker,
any appeal to their opinion in a dispute is a legal procedure, for it is an
appeal to authority. It is they upon whom he is in practice most depend-
ent. Now it is only in "private life" that he depends upon them, for,
owing to the smallness of the group, the distinction between "public" and
"private life" hardly exists. In many situations they hold in their hands
the whole force of his society; their actions and opinions are checked or
supported by the informal but nonetheless effective jury of widespread
public discussion; and if they are against him he has nowhere else to turn.

Now Nyakusa society to-day is no longer isolated and primitive,
neither has it yet fully taken its place in the social system of the world; it
is in process of transition. Legal procedure is, quite inevitably, becoming
everyday more and more an affair of the central territorial authorities, of the
Governor in Council and the High Court of Tanganyika and of their
appointed deputies; the local Magistrates, the District Officers and the
Native Courts. But the process is not complete. In many situations of
social life the new impersonal relationships with the great world are still,
for the moment, more or less irrelevant and in them the old primitive
sanctions remain their power.

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consumption, for hospitality and for gifts are very much the same; but there, if he has *banango* plots and bananas of his own, her obligations cease. Because demanded by the chief, money for tax and for his own clothes he provides for himself by making use of his *banango* crops, and he may even keep some of them as a security against possible failure; and so he leaves her free to dispose of her own surplus as she pleases. If, however, he has reserved no plots for himself then the surplus of each wife's plot is jointly owned by her and her husband. Neither can rightly dispose of it, in any large quantity, without consulting the other; neither can he derive the right to dispose of it, after consultation with the other, for any urgent need.

Sometimes however a division is made by the husband between himself and his wife not of land but of crops; after the harvest he takes a portion of the crop of her plots for his own use, leaving the bulk of it to her for cooking and for her own needs. In that case, once the division is made, their respective rights are just the same as if the portion kept for himself had been grown on a *banango* plot.

The following words of a young Kaka man make these points clear. I had asked him about the respective rights of husband and wife to dispose of maize and beans for cash: "Normally," he replied, "if the man has not kept any *banango* plot separate and the crop is in consequence their common property, he will speak to his wife and ask her to take some of the beans and sell them and buy him a cloth with the proceeds. But an inconsiderate husband may just take them without consultation. So with the woman, if she wants a cloth she tells her husband and suggests taking some beans and selling them in order to buy one; and her husband agrees that she should, because there has been no division made, the crop is their common property. And if the man is in trouble for tax money he consults his wife about selling some maize or beans and she agrees, for otherwise he would be arrested. If, however, the man has kept a *banango* plot separate then he takes and sells his own food and his wife hers, without consulting one another; because a division has been made."

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"And supposing," I asked, "that a man has three wives, whom does he consult about selling food, if there is no *banango* plot?" "In that case," he replied, "if, maybe, he wants to procure tax money and has no *banango* plot, then he speaks to his chief wife and tells her that they must assist him or he will be arrested and she suggests that they all consult together. So he calls his wives to him and they agree to give each so much from her store of food; maybe he shows them a basket for each to fill once; and then he puts it all together and sells it and pays his tax."

"This custom of keeping a *banango* plot," he volunteered, "is only rarely followed nowadays in Bulikwe in the case of maize and beans, but it is quite common with cassava and with bananas."

"Why with *cansu*? " I asked. "Because the husband thinks of *cansu* as a security against famine; if a famine comes he takes his *tsungu cansu* and gives some to each of his wives."

"And why with bananas?" "Because if he has bananas of his own then when the chief sends the great-communifier round to collect bananas for guests, or to send to the hospital in Tshayo, the man cuts one of his bananas. He reasons that, as he has two wives, if he takes a banana bunch from one of them she will be angry and wonder why he cut her bunch and not that of her fellow wife."

"So it is only polygamists who keep separate *tsungu bananas*?" "Certainly, no monogamist would ever do so."

"A man named Mwaisaka," he told me later, "once disputed with his wife over the selling of maize. They had just begun harvesting the crop when the woman told her husband that she intended to take some of the maize to the shop and sell it and buy some cloth; for her child was naked and she had neither cloth nor skin to carry him in on her back, she had to hold him in her arms. Mwaisaka, however, told her to wait a little until all the maize was harvested, when he would divide it up. His wife thereupon protested that the crop was their joint property and that he himself could take some for sale whenever he wished, so why not she also; and she pointed out that many other people had already begun to sell their maize and buy cloth. So they quarrelled and Mwaisaka struck his wife, who then ran complaining to the great-communifier. The great-communifier heard the case and judged that Mwaisaka was in the wrong because his wife had no skin for carrying her baby and was in trouble therefore. If, he said, she had not been in such trouble over carrying the child they would have given their opinion against her for refusing to agree with her husband's proposal to wait and finish harvesting first, but as it was they thought that Mwaisaka was in the wrong; no division of plots or crop had been made and the food was their common property. And Mwaisaka admitted that he was wrong." "Did he pay his wife any compensation for the blow?" I asked. "No, they reconciled them to one another."

"And if a man," I enquired further, "takes some of the food which belongs to himself and his wife jointly and sells it without telling her, will she make a case against him?" "She may, but if she is a gentle wife she argues it out alone with her husband; she asks him why he did not consult her, for there is now but little left and she wonders what they will eat. And her husband, if he is a sensible man, agrees with her and admits that he was in fault. But if, instead, the man makes out that he had every right to take it, for the food is as much his as hers, and if he is indignant at her protest then that attitude will bring a quarrel between them."

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The most important reason which traditionally impelled men to reserve *banango* plots and bananas was, as the old men told me, the frequent lack of affection and generosity in women towards their married step-children. If one of his wives had died or left him, then a man might find that his children by her, when they came to visit him, received but scanty entertainment from his other wives and went away home empty-handed. So to obviate this state of affairs he would set aside *banango* plots and bananas, and take food and gifts for these motherless children thence. In the old days married children nearly always lived within a mile or two of their father's house and visits were frequent. Nowadays this custom, which will continue to operate, tends to be overshadowed by the desire on the man's part to have a definite portion of the crop marked out for sale to the Indian traders. Nevertheless many men prefer community of property to an anti-harvest contract with their wives and so do not keep any *banango* plots at all.

"What," I asked an elderly man in Selys, "is a *banango* plot?"
"The word *banango*, used either of bananas or of garden plots, means that they belong only to me, not to my wives; so that when my daughter comes I cut for her a banana bunch of my own and give her my own food. Not all men keep *banango* plots; some like the custom but others do not. I myself have only one wife and no *banango* plots, all my bananas are here and all my gardens too."

And another elderly man, also of Selys, said to me one day: "Some men like to have *banango* plots, others do not. Nowadays these plots are used to grow crops for sale, but in the old days they were for feeding a man's children. I myself divide up all my gardens amongst my wives (he has three living with him at present). Even though three of my wives have died and one has left me, even so I do not keep a *banango* plot; when my children come to visit me they are given food by Jane (his chief wife, who is also his favourite). At first I divided up the children (i.e. the grown-up children whose mothers had either died or left him, and who in consequence had no special claim on any one of his present wives) assigning some to one, some to another of my wives, but the others grudged them food so now they all come to Jane." He here suggests that the meanness of two of his wives and the existence of many motherless children gave him good reason to reserve *banango* plots and bananas, but he did not do so, he preferred to rely on the generosity of his favourite wife.

And besides providing entertainment for adult but motherless children, besides providing a definite portion of the crop for the husband to sell, *banango* plots and bananas are also useful, as we have seen, to meet the demands of the chief and to secure the household against a shortage of food.

all except his own mother, whom he either builds for at a little distance and looks after, or else gives to a half-brother.² Inherited women have the same land rights as others, and a mother for whom a son builds and lives is treated by him, in the matter of land, just like a wife.

And a married man often supports an old woman—a mother, mother-in-law or older sister—whose husband, though still alive, is incapable of working and who has no unmarried sons. He may either live for her on her own husband's land or else assign to her a plot or two of his own.

The gardens of a household are not only worked by its members, other people assist them from time to time. Each married man usually invites a group of his village neighbours to help him with a day's hoeing two or three times a year, entertaining them to food and beer after the work is over. A married woman likewise is often assisted by women friends from neighbouring households in the planting, weeding or reaping of her crops and then she rewards simply with a lantern meal in the evening, without any beer. Again, as we have seen, a married woman sometimes engages a young man to hoe for her regularly, for a month or more at a time, and pays him by feeding him well for that period.

But although this last custom is still common it is beginning to decline; fewer men each year are willing to work for any length of time except for money, and already in some of the more prosperous households young men are found to be employed in hoeing at the rate of 2/- a month in addition to their food. The young men who thus accept employment in hoeing are always the poor ones, those for whom (whether because their fathers are poor in cattle or because they have many elder brothers before them) the prospect of getting married is too distant to stimulate them to any great diligence at home. In the plain of Munganda, however, where ploughs are extensively used, the owners of ploughs make a considerable profit by hiring themselves out with their ploughs at 2/- a plot (*shapoko*).

Kinsmen and affines also often assist in a household's hoeing. When a man inherits his dead father's wealth then he assumes the position of father towards his own younger brothers and is responsible for the marriages of any who are bachelors; they then hoe for him and are fed by his wives just as unmarried sons do. Sons-in-law, again, are expected to bring their friends now and then to help their father-in-law in hoeing and they often do so, more particularly if they are behindhand with the marriage-cattle. After the day's work is over, however, they are entertained just as sumptuously as an ordinary work-party of neighbours.

² And any kinwoman of his mother (sister or niece) whom his father has married is treated likewise.

CHAPTER IV

THE RESULTS OF LAND SHORTAGE

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As indicated in the short outline of traditional land tenure in Chapter II, the system developed and worked adequately in the old situation (both before and after European conquest) when land was plentiful in relation to the people's demands. Any village who wanted land had the right to be allocated title; any established village who wished to expand its cultivation could do so without difficulty. Frictions between villages were rare, and especially after the establishment of European power, for everywhere arrangements were welcomed to increase the strength and prestige of the village, and land was available for them. The young men in their age-villages were able to obtain sufficient arable land and they were able to maintain their economic independence after marriage, if not earlier. Because land was plentiful there was little real concern for security of tenure and disputes over land were both uncommon and unimportant.

By 1915 the basic fact was that there was insufficient land to meet the people's requirements in the altered land phase - as also in many highland areas - and there remained little or no arable land which could be taken into cultivation.

Inheritance of Land

In these earlier and more spacious days, inheritance was chiefly significant in movable property - cattle predominantly, and grain, money and other goods - and also in the custody of widows and the custody of children. The rules of inheritance were the same in principle for all this property. Inheritance was by groups of full-brethren rather than by individuals, and therefore when a man died, his sons, his widows and his wealth were taken by the eldest surviving full-brethren; failing a full-brethren, a half-brethren would inherit (the eldest surviving in the line). Only when all the deceased's brethren were dead, or if they had moved away and severed practical relations, was the dead man's sons able to take up the property in their own right. Thus each group of full-brethren tended to inherit as separate, corporate groups. Although the separation into "houses" was not so strong and notable as amongst some African peoples,¹ yet there was a fairly strong solidarity between full-brethren such that, for instance, their cattle were regarded as a distinct and separate herd, over which the senior brother had principal control and in which half-brethren had little direct rights.

Originally land inheritance did not follow this scheme because it was an unimportant matter, for ideally a man assumed his building plot and arable land at the time of the formal establishment of his age-village, and he preferred if possible to continue to live amongst his own. Consequently, when a man died, his brothers and his sons and nephews normally had land of their own and did not wish for more elsewhere, especially as the deceased's land would probably be in another age-village. Out of respect for the dead man and his contemporaries, the chief how often made a token residence at the deceased's homestead and then, after a brief period, would obtain the approval of the villagers to return to his own village and holding again - perhaps at the cost of some beer or a goat. Sometimes the heir or another member of the lineage might take the opportunity to leave his own village

1. See Wilson, *ib.* 1936, pp. 117-18. Cf. also see The Family Book, London, 1905, Chapters 3 and 6, for a description of a strong, separate "house" system.

(e.g. for fear of starvation) and take up the nearest building. Nevertheless it seems the building was allowed to burn and it could be re-occupied by the village headman / and others, or the elderly women might be allowed to continue to reside and cultivate as long as they wished.

There had begun to become more and more difficult this time system could no longer continue. Father brother and half brother even as large as sons to permit the chief heir to take the whole of the deceased's holding as its with it as he wished, and a systematic division had to be adopted. At first, naturally enough, land was gradually brought under the same system which controlled the inheritance of other property, but the proved ambiguous - ambiguous not only in land as being, perhaps, an uncompleted and confidence of disengagement and quarrelling is as far as land is concerned, but also because the system itself was already improving at break down under the impact of modernization.

It was felt that because some sons their father in his household and fields and in their turn only on land for a share in the cash-crop land profits of present farming, therefore they should have priority in the inheritance of their father's property. Their father's brother, if any and, would in not case already have their own holdings in which therefore there were large gains current. Conversely, since Mykypaan was bound to be reluctant to take a brother's land (and other property) too in his death, for this then, in their turn, control of their own land would descend on their death on their brother's sons rather than to their own sons.

As a result of these attitudes a strong desire arose to modify the customary law in this matter, and the Otago African District Council, with the approval of the Government, has by formal resolution established a new law under which sons may inherit direct from their own fathers.

This law is not universally accepted by the Mykypaan of the Lake Plains and some old old sometimes voice their usual rights in favour of the traditional claims of their father's brother. They say that they do not desire to see the break up of the village through which, in effect, this new law encourages, they are also afraid of the anger and passions, and thus of the witchcraft, of their uncles. It appears however that the change is accepted by the large majority of the people, for it follows the trend of modern values and friendly sentiments.

The principal law is now the eldest son, but in general he has little direct control over the property and land of his half brother unless they are still young, in which case he has a moral duty to act as guardian and custodian, have interest that part of the present building which had been allowed to their mother by their father in his lifetime, plus any other pieces he might have given to any of them direct as individuals. Each group of half brothers determines the way in which it divides up its own inheritance. The eldest brother of each a house has a definite obligation to see that his junior obtain shares of the land in so far as is decent and their mother will allow. On the whole it is expected by Mykypaan that the eldest brother will secure the land building for himself, or better his new mother, but he cannot deny his younger brothers' claims. Disputes in this matter are not uncommon and the local courts have already shown their determination to support the claims of younger brothers.

Very commonly - though it has not yet crystallized as compulsory social behaviour - a father will grant a portion of his holding to his son on the latter's marriage, or on some other as the son decides to give up labour migration and settle down. It is thought that a married man should be independent economically and that he should be able to maintain his own household; it is realized that there is most likely to be friction in the relations between father and son, especially in this society where it is traditionally